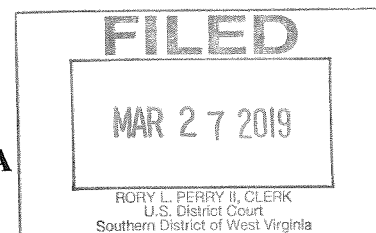


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**



IN RE: C.R. BARD, INC. PELVIC REPAIR
SYSTEM PRODCUTS LIABILITY
LITIGATION

MDL NO. 2187

IN RE: AMERICAN MEDICAL SYSTEMS,
INC., PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

IN RE: BOSTON SCIENTIFIC, PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2326

IN RE: ETHICON, INC. PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2327

IN RE: COLOPLAST PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2387

IN RE: COOK MEDICAL, INC, PELVIC
REPAIR LIABILITY LITIGATION

MDL NO. 2440

IN RE: NEOMEDIC PELVIC REPAIR SYSTEM
PRODUCT LIABILITY LITIGATION

MDL NO. 2511

LANA C. KEETON
OBJECTION TO FEE AND COST COMMITTEE (NON) RECOMMENDATION
and to EXTERNAL REVIEW ADVISOR JUDGE DANIEL STACK
(NON) RECOMMENDATION of ALLOCATION OF FUNDS
pursuant to PRETRIAL ORDER 332

LANA C. KEETON, PLAINTIFF PRO SE, prays this Honorable Court will grant her objection to her complete exclusion/omission from the Recommendation(s) by the Fee and Cost Committee and the Recommended Allocation(s) by Judge Daniel J. Stack, External Review Specialist, for payments to be distributed from the 5% fee of \$550 million dollar (estimated total) to be paid from over \$7,000,000,000.00 billion dollars (estimated) into IRS 468 B Qualified

Settlement Funds held in escrow accounts by various attorney firms. Keeton has been denied access to Due Process of the 5th/14th Amendments to the Constitution of the United States.

Keeton requests the Honorable Court to allow Keeton to attend in camera review of Keeton's pertinent documents provided by Fee and Cost Committee and External Review Specialist, Judge Daniel J. Stack on April 9, 2019. The Fee and Cost Committee nor Judge Daniel J. Stack have allowed Keeton to make an in person presentation of her submission at any time despite multiple requests to the entire FCC members. For the record, it is Keeton's belief and opinion that her Time and Submission for payment(s) from the Common Benefit Fund(s) have not been distributed to Judge Daniel Stack, nor all members of the FCC.

Henry G. Garrard III recused himself from the Fee and Cost Committee, without approval of the Court January 27, 2017, from consideration of Keeton's submissions to the FCC. **Exhibit No. 1** Since that time, Keeton has attempted to communicate with the Fee and Cost Committee to have her work reviewed for payment under the protocols set forth and ordered by the Honorable Court. As demonstrated by Pretrial Order #332, instead of actually recusing himself, Garrard, as head of the Fee and Cost Committee, completely omitted and denied access and violated Keeton's right to Due Process under the 5th/14th Amendments in concert with Joseph R. Rice, Judge Daniel Stack and David Montgomery.

The question is: Why? Although Henry G. Garrard III and his law firm, Blasingame, Burch, Garrard & Ashley PC, currently owes Lana C. Keeton over \$30 million dollars for selling her privileged and confidential work product without her express permission, the Time and Expense amount submitted to be paid from the Common Benefit Fund has nothing to do with that. It is a separate amount of less than \$5 million dollars.

Based on a notarized certification by Arica M. Waldron, no money ever paid to Keeton by Garrard's firm, Blasingame, Burch, Garrard & Ashley PC, has been submitted to the Common Benefit Fund(s) for any of Keeton's work. Exhibit No. 2 Just as attorneys are paid fees of 40% by their individual clients in these MDL's, that has nothing to do with the 5% they will be paid from the Common Benefit Fund(s). It is separate.

Meticulous protocols of the **HONORABLE JUDGE JOSEPH R. GOODWIN** have been subverted by FCC members and Judge Daniel J. Stack and David Montgomery, Hudson, Montgomery, Kalivoda & Connelly, P.O Box 8068, Athens, GA 30603. Exhibit No. 3

Pretrial Order #332 is the culmination of these meticulously set up protocols in these vast MDL's for payments to be made from the multimillion dollar 5% Common Benefit Fund:

**ETHICON MDL 02327, PRETRIAL ORDER # 332 ORDER SCHEDULING
OBJECTIONS PURSUANT TO FEE AND COST PROTOCOL**

"This court previously entered its Pretrial Order establishing the **Fee Committee Protocol** for the review and evaluation of time and expense for consideration by the Common Benefit Fee and Cost Committee (**the "Protocol"**).¹ 1 Bard MDL 2187 PTO 257, AMS MDL 2325 PTO 244, BSC MDL 2326 PTO 166, Ethicon MDL 2327 PTO 262, Cook MDL 2440 PTO 81, Coloplast MDL 2387 PTO 133, Neomedic MDL 2511 PTO 38."

"Pursuant to the terms of the Protocol, on October 13, 2017, the court entered its Order Granting Motion to Appoint the Honorable Daniel J. Stack, Retired, as External Review Specialist to work with the Common Benefit Fee and Cost Committee ("FCC") in accomplishing the court's directives under the Protocol. ² 2 Bard MDL 2187 Doc. No. 4663, AMS MDL 2325 Doc. No. 5112, BSC MDL 2326 Doc. No. 4422, Ethicon MDL 2327 Doc. No. 4783, Cook MDL 2440 Doc. No. 592, Coloplast MDL 2387 Doc. No. 1572, Neomedic MDL 2511 Doc. No. 177."

"The Protocol ordered the External Review Specialist to prepare and deliver his Recommended Allocation to the court. The Protocol further provides that "[u]pon receipt of the...external review specialist's...recommended allocation, the court will determine the process for consideration of any objections to the...external review specialist's recommended allocation."

"The court having entered its Pretrial Order Re: Petition for an Award of Common Benefit Attorneys' Fees and Expenses on January 30, 2019, received (1) the Final Written

Recommendation of the FCC, (2) the Recommended Allocation of the External Review Specialist, and (3) supporting materials, **and has been notified that each participating plaintiff's firm has received these materials on March 12, 2019.**

The following Order of the Court in Case No. 2:13-cv-24276 ECF 34 Lana C. Keeton v. Ethicon Inc., et al. on January 4, 2017 governs the actions of the FCC:

“In the Petition, the *pro se* plaintiff, **Lana Keeton**, seeks the court's approval for payment from the Common Benefit Fund in the amount of \$732,000 for “legal work performed for the benefit of the Plaintiffs in MDL 2327.” [ECF No. 33-1, p. 1]. Pursuant to **PTO No. 211**, the court established the Fee and Cost Committee (“FCC”) and appointed members to serve on the FCC. **The FCC's responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys' fees for common benefit work and any other utilization of the funds.**

“Plaintiffs' Petition must first be submitted to the FCC for **consideration and recommendation**. It is **ORDERED** that Plaintiff's Petition [ECF No. 33] is **DENIED without prejudice**.” Judge Joseph R. Goodwin, Case No. 2:13cv24276 U.S. District Court, Southern District of West Virginia.

The Honorable Court states:

1. Keeton is a Pro Se Plaintiff.
2. The Honorable Court states the order is for legal work performed for the benefit of the Plaintiffs in MDL 02327.
3. The Honorable Court states “the FCC's responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys' fees for common benefit work **and any other utilization of the funds.**”

Keeton complied with the Honorable Court's order. ECF No. 33-1, p.1 was submitted 01/12/2017 to the FCC for consideration and recommendation. **Exhibit No. 4** In other words, the funds are not limited to attorneys or to attorney fees. Quite the contrary.

The Common Benefits Fund pays:

paralegals, secretaries, law clerks, legal consultants, medical device experts, doctors, court reporters, their firms, videographers for depositions, expert witnesses, e-discovery platforms, accountants, certified public accountants (CPA's), their firms, process servers attorneys.

All of this is “legal work” that inures to the benefit of all plaintiffs. Without this concert of professionals, there would be no MDL litigation because

no one individual has all the skills (nor the time) necessary to prosecute an MDL. Some of these individuals/firms bill direct to the Common Benefit Fund. Others bill through attorney firms.

Lana C. Keeton, Med Device Expert LLC have invoiced the Common Benefit Fund directly.

Each and every order signed by the Honorable Judge Joseph R. Goodwin in each and every one of the 7 MDL's states "and all unrepresented parties". In other words all Pro Se Plaintiffs. All Pro Se Plaintiffs, including Plaintiff Pro Se Keeton are held accountable to the orders issued by the Honorable Court. There is even an attorney assigned by the Court to coordinate with Pro Se Plaintiffs.

Pro Se Plaintiff Lana C. Keeton has a right to be heard in this Honorable Court based on rulings by the Supreme Court. The Supreme Court has long championed the cause of litigants who file their own lawsuits Pro Se as listed below:

1. Haines v. Kerner, et al. 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652.
Whatever may be the limits on the scope of inquiry of courts into the internal administration of prisons, allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' Conley v. Gibson, 355 U.S. 41, 45 46 (1957). See Dioguardi v. Durning, 139 F.2d 774 (CA2 1944).
2. Baldwin County Welcome Center v. Brown 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196, 52 U.S.L.W. 3751. Rule 8(f) provides that 'pleadings shall be so construed as to do substantial justice.' We frequently have stated that pro se pleadings are to be given a liberal construction.
3. Estelle, Corrections Director, et al. v. Gamble 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251. We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in Haines v. Kerner, 404 U.S. 519 (1972), a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt

that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.*, at 520-521, quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957).

4. *Hughes v. Rowe et al.* 449 U.S. 5, 101 S. Ct. 173, 66 L. Ed. 2d 163, 49 U.S.L.W. 3346. Petitioner's complaint, like most prisoner complaints filed in the Northern District of Illinois, was not prepared by counsel. It is settled law that the allegations of such a [pro se] complaint, "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972). See also *Maclin v. Paulson*, 627 F.2d 83, 86 (CA7 1980); *French v. Heyne*, 547 F.2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *Haines*, supra, at 520-521. And, of course, the allegations of a complaint are generally taken as true for purposes of a motion to dismiss. *Cruz v. Beto*, 405 U.S. 319, 322 (1972).
5. *Rabin v. Dep't of State*, No. 95-4310, 1997 U.S. Dist. LEXIS 15718. The court noted that pro se plaintiffs should be afforded "special solicitude."

However, Pro Se pleadings are now also governed by *Ashcroft v. Iqbal*, 556 U.S. 662

(2009):

"Dismissal of a complaint at the pleading stage is appropriate where, accepting the allegations as true, the complaint fails to allege the essential elements of a claim. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). A complaint must allege a claim "plausible on its face," not simply one that is "speculative," "conceivable," or "possible." *Twombly*, 550 U.S. at 555-56, 562-63, 570."

Although the 2007 Supreme Court ruling, in *Bell Atlantic Corp. v. Twombly*, replaced *Conley v. Gibson*'s "no set of facts" standard with the plausibility standard, under which a complaint must contain enough factual allegations to state a claim that is plausible on its face, Keeton has met those plausibility standards in her product liability and RICO lawsuits against Ethcion/ Johnson & Johnson, et al. starting in 2005. And this instant motion is sufficiently detailed factual matter to meet the standards of *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Co. v. Twombly*, 550 U.S. 544, 570 (2007)).

HISTORY AND FACTS

Based on information publicly available on the Honorable Court's website to Lana Keeton through *Pretrial Order #332 Order Scheduling Objections Pursuant to Fee and Cost Protocol, March 12, 2019*, Lana C. Keeton and her firm, Med Device Expert LLC, are completely excluded and omitted from the entire 186 pages.

Lana Keeton was not mentioned, not recommended nor awarded one red cent in the Exhibits attached to Pretrial Order 332 from the Fee and Cost Committee and Judge Daniel Stack, External Review Specialist despite Keeton's extensive high value contribution(s) to all 7 Pelvic Mesh Multidistrict Litigations through over a decade of work that is the foundation of these MDL's.

Lana Keeton v. Gynecare/Ethicon/Johnson & Johnson, Case No. 1:06-cv-21116-UU, is the **LEGACY PRODUCT LIABILITY CASE** for all Ethicon/Johnson & Johnson cases filed in Ethicon MDL 02327. Pro Se Plaintiff Lana C. Keeton was the **FIRST to FILE A LAWSUIT** recognizing the severe debilitating effects of Pelvic Synthetic surgical mesh in the fall of 2005.

Product Liability Lawsuit

Lana Keeton v. Gynecare/Ethicon/Johnson & Johnson, Case No. 1:06-cv-21116-UU U.S. District Court, S.D. of Florida, for Gynecare TVT Prolene polypropylene Bladder Sling synthetic surgical mesh implanted December 21, 2005 and originally filed in Florida State Court, December 21, 2005

1. April 27, 2006 Ethicon issues Litigation Hold for Keeton case
2. Removed to U.S. District Court, S.D. of Florida, May 2006
3. There were **no other existing** Synthetic Surgical Mesh cases against Ethicon, Inc. / Johnson & Johnson / Gynecare in the United States at that time, or before that time.
4. Plaintiff's co-lead and Steering committee, Bryan Aylstock, Renee Baggett, Tom Cartmell, Ed Wallace based their Motion for Spoliation **Ethicon's Litigation Hold Date of April 27, 2006** on *Lana Keeton v. Gynecare/Ethicon/Johnson & Johnson, Case 1:06-cv-21116-UU*, Southern District of Florida

Product Liability Lawsuit

Lana Keeton v. Ethicon/Johnson & Johnson Case No. 2:13-cv-24276 U.S. District Court, S.D. of West Virginia, October 1, 2013

1. Lana C. Keeton Short Form complaint included the correct Defendant Corporations based on discovery from *Lana Keeton v. Gynecare/Ethicon/Johnson & Johnson, Case No. 1:06-cv-21116-UU* U.S. District Court, S.D. of Florida. Plaintiffs' Steering Committee Attorneys named Ethicon LLC in Puerto Rico as a Defendant for ALL PLAINTIFFS in MDL 02327. Ethicon LLC did not even exist when first Gynecare products were distributed in the 1990's. Plaintiffs Attorneys later filed motions to remove the wrong defendant, Ethicon LLC, from the Court Docket in West Virginia. To this day, the Honorable Court has to deal with the nightmare of correcting thousands of cases.
2. Lana C. Keeton's Memorandum in Support of Spoliation January 2014 demonstrating Spoliation was/is a repeat violation in multiple mesh lawsuits by Ethicon Inc. and Johnson & Johnson for at least a decade. At a spoliation hearing before Judge Cheryl Eifert January 23, 2014, Keeton's Florida case was the first subject of discussion at the hearing based on the Litigation Hold Date of April 27, 2006.

RICO Civil Lawsuit

Lana Keeton v. Johnson & Johnson, Ethicon, Inc., et al. Case 1:15-cv-20442-JLK, U.S. District Court, S.D. of Florida 02-04-2015 Pro Se prosecution of civil RICO in Federal Court vs. Arnstein & Lehr, LLP, Peter Cecchini, Cleveland Clinic Foundation, Delos Cosgrove, Willy G Davila, Ethicon Sarl, Ethicon, Inc., Gynecare Worldwide, Johnson & Johnson, David Krause, Neville M. Leslie, Jeffrey B. Shapiro, The U.S. Food and Drug Administration's Center for Devices and Radiological Health (FDA's CDRH) opened doors to discovery for Plaintiff's Attorneys Steering Committee in Ethicon MDL 02327 unavailable elsewhere.

The value of LANA C. KEETON'S long term work to the benefit of all Plaintiffs in these 7 MDL's is well known and immeasurable. Keeton consulted on scientific matters, research, discovery, strategic issues and extensive other matters such as actual legal defendants in MDL 2187 and MDL 2327, FDA's 510(k) regulations, physical and chemical properties of polypropylene as they impact wound healing of implanted mesh products, instructions for use for pelvic mesh products, expert witness procurement, medical device expert, research analyst, other trial strategies, influenced FDA decisions and actions, as they relate to mesh products. And more.

Pursuant to Pretrial Order #332 Order Scheduling Objections Pursuant to Fee and Cost Protocol, March 12, 2019, LANA C. KEETON objects on the following grounds:

I. FRAUD BY OMISSION

“Where, as here, a plaintiff’s fraud claim relies on a theory of fraud by omission, the plaintiff must allege that the defendant had a duty to speak, and must show “when (01-15-2016), where (in the S.D.W.VA), how (by following Judge Goodwin’s protocols related to the FCC) and what duty (make written recommendation(s) / allocation(s) re: Keeton and present it to the Court) was created.” To wit:

Henry G. Garrard III, along with all other members of the Fee and Cost Committee, and External Review Specialist, Judge Daniel J. Stack, had a duty to speak because of Judge Joseph R. Goodwin’s order ECF 34 Case No. 2:13-cv-24276 Lana C. Keeton v. Ethicon Inc.:

“In the Petition, the *pro se* plaintiff, **Lana Keeton**, seeks the court’s approval for payment from the Common Benefit Fund in the amount of \$732,000 for “legal work performed for the benefit of the Plaintiffs in MDL 2327.” [ECF No. 33-1, p. 1]. Pursuant to PTO No. 211, the court established the Fee and Cost Committee (“FCC”) and appointed members to serve on the FCC. The FCC’s responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys’ fees for common benefit work **and any other utilization of the funds.**

“Plaintiffs’ Petition must first be submitted to the FCC for **consideration and recommendation.** It is **ORDERED** that Plaintiff’s Petition [ECF No. 33] is **DENIED without prejudice.**” Judge Joseph R. Goodwin, Case No. 2:13cv24276 U.S. District Court, Southern District of West Virginia.

The Fee and Cost Committee have completely excluded and omitted and denied access to Lana C. Keeton’s submission of Invoice No. 1 ECF33 and Judge Goodwin’s ECF 34 from consideration. See Pretrial Order #332, Ethicon MDL 02327, March 12, 2019. And the FCC has completely excluded Keeton’s submission of T&E for Bard MDL 02187 in the amount of \$816, 897.64. In fact, the name Lana Keeton, Med Device Expert LLC are nowhere on the Exhibits of the Fee and Cost Committee or that of External Review Specialist, Judge Daniel Stack. Nor has Lana Keeton been advised or notified by the Honorable Court itself or the Clerk of the Court at any stage in the proceedings since March 2017, despite Judge Goodwin’s Orders entered in Case No. No. 2:13-cv-24276 Lana C. Keeton vs. Ethicon Inc. et. al., ECF’s No. 33, 34, 35, 36 in Ethicon’s MDL 02327.

II. VIOLATION OF KEETON'S 5th / 14th AMENDMENT RIGHT TO DUE PROCESS

“Due Process Violation. Under both the Fifth and Fourteenth Amendments to the U.S. Constitution, neither the federal government nor state governments may deprive any person “of life, liberty, or property without **due process** of law.”

As to Judge Daniel J. Stack’s non-existent written review of the non-existent FCC written recommendation, his threatening position on Lana C. Keeton’s T&E submissions is not permitted by law. The Honorable Judge Joseph R. Goodwin presides over all 7 Multidistrict Litigations. Judge Stack was appointed by Judge Goodwin. Judge Goodwin established and re-established protocols for payment from the Common Benefits Funds. Judge Daniel Stack has an ancillary position as an External Review Specialist. Judge Stack does not have authority to make dispositive decisions.

Judge Stack threatened Keeton in e-mail correspondence. Keeton’s 5th / 14th Amendment rights were violated. Keeton was denied due process. Keeton was denied equal protection of the law under the 5th / 14th Amendments. Keeton was oppressed, threatened, and intimidated in the free exercise or enjoyment of her right or privilege secured to her by the Constitution or laws of the United States, and because of Keeton having so exercised the

same. **EXHIBITS No. 5 & 6:** *E-mail Communications with Judge Daniel J. Stack, March 29, 2018 through June 18, 2018; FCC Member Joe Rice and External Review Adviser Judge Daniel Stack 03-29-2018 to 04-11-2018*

In *United States v. Guest*, 383 U.S. 745 (1966), the U.S. Supreme Court held that violations of the Fourteenth Amendment can serve as grounds for criminal charges under a federal conspiracy law that makes it a crime to “injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.” The Court held that 18 U.S.C. §241 of the Criminal Code could be applied to protect the rights of equal protection and due process secured by the Fourteenth Amendment to the United States Constitution.

Recommendation of the FCC, (2) the Recommended Allocation of the External Review Specialist, and (3) supporting materials, **and has been notified that each participating plaintiff's firm has received these materials on March 12, 2019.**

The following Order of the Court in Case No. 2:13-cv-24276 ECF 34 Lana C. Keeton v. Ethicon Inc., et al. on January 4, 2017 governs the actions of the FCC:

“In the Petition, the *pro se* plaintiff, Lana Keeton, seeks the court’s approval for payment from the Common Benefit Fund in the amount of \$732,000 for “legal work performed for the benefit of the Plaintiffs in MDL 2327.” [ECF No. 33-1, p. 1]. Pursuant to PTO No. 211, the court established the Fee and Cost Committee (“FCC”) and appointed members to serve on the FCC. **The FCC’s responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys’ fees for common benefit work and any other utilization of the funds.**

“Plaintiffs’ Petition must first be submitted to the FCC for **consideration and recommendation**. It is **ORDERED** that Plaintiff’s Petition [ECF No. 33] is **DENIED without prejudice**.” Judge Joseph R. Goodwin, Case No. 2:13cv24276 U.S. District Court, Southern District of West Virginia.

The Honorable Court states:

1. Keeton is a Pro Se Plaintiff.
2. The Honorable Court states the order is for legal work performed for the benefit of the Plaintiffs in MDL 02327.
3. The Honorable Court states “the FCC’s responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys’ fees for common benefit work **and any other utilization of the funds.**”

Keeton complied with the Honorable Court’s order. ECF No. 33-1, p.1 was submitted 01/12/2017 to the FCC for consideration and recommendation. **Exhibit No. 4** In other words, the funds are not limited to attorneys or to attorney fees. Quite the contrary.

The Common Benefits Fund pays:

paralegals, secretaries, law clerks, legal consultants, medical device experts, doctors, court reporters, their firms, videographers for depositions, expert witnesses, e-discovery platforms, accountants, certified public accountants (CPA’s), their firms, process servers attorneys.

All of this is “legal work” that inures to the benefit of all plaintiffs. Without this concert of professionals, there would be no MDL litigation because

Keeton's constitutional rights under the 5th / 14th Amendment were violated by Henry Garrard III, Joseph R. Rice, David Montgomery, personal attorney to Henry Garrard III and his firm, Blasingame, Burch, Garrard & Ashley, PC and Judge Daniel J. Stack in their capacities as the Fee and Cost Committee members and External Review Specialist and personal attorney to Henry Garrard III.

All that was required was for the Fee and Cost Committee members (see list), to adhere the meticulous protocols set forth by the Honorable Judge Joseph R. Goodwin to recommend to the Honorable Court how much of the allocations of Time and Expense submissions be paid to Lana C. Keeton, Med Device Expert LLC, from the Common Benefit Fund(s).

The Fee and Cost Committee had a duty to comply with Judge Joseph Goodwin's orders in Case No. 2:13-cv-24276 Lana C. Keeton vs. Ethicon Inc. et. al., ECF 33 and ECF34 (MDL02327). None of the members of the FCC complied. Rather Henry Garrard III recused himself from considerations of Lana Keeton's Time and Expense. Exhibit No. 1

Garrard then proceeded to completely omit and exclude and deny access to Keeton from any and all communications with the Fee and Cost Committee subverting the process authorized by Judge Goodwin. Judge Daniel J. Stack and Henry Garrard III and others ignored the authority and Orders of the Honorable Court. The question again is: Why?

"The appointment to the FCC is of a personal nature. Accordingly, in the performance of the FCC's functions (such as committee meetings and court appearances), the above appointees cannot allow others to substitute for them in fulfilling this role, including by any other member or attorney of the appointee's law firm, except with prior approval of the Court. Case 2:12-md-02327 Document 7563-1 Filed 02/14/19 Page 5 of 12 PageID #: 187772, Paragraph 1.

EXHIBIT I Case 2:12-md-02327 Document 7242-10 Filed 11/26/18 Page 1 of 63
PageID #: 185836 "Declaration of Henry G. Garrard, III in Support of Final Written Recommendation of the Common Benefit Fee and Cost Committee Concerning the Allocation of Common Benefit Fees and the Reimbursement of Shared Expenses and Held Costs"

“On this day came the undersigned, Henry G. Garrard, III, who, pursuant to 18 U.S.C. §1746, makes this declaration under penalty of perjury:”

And each and every one of these signature pages is signed ONLY by Henry Garrard III, and not any other member of the FCC:

Case 2:12-md-02327 Document 7242-10 Filed 11/26/18 Page 53 of 63 PageID #: 185888

Case 2:12-md-02327 Document 7242-10 Filed 11/26/18 Page 59 of 63 PageID #: 185894

Case 2:12-md-02327 Document 7242-10 Filed 11/26/18 Page 63 of 63 PageID #: 185898

EXHIBIT B Case 2:12-md-02327 Document 7242-3 Filed 11/26/18 Page 1 of 86 PageID #: 185662 ***“Final Written Recommendation of the Common Benefit Fee and Cost Committee Concerning the Allocation of Common Benefit Fees and the Reimbursement of Shared Expenses and Held Costs”signature page signed solely by Henry Garrard III is a lie as it is based on false statements:*** Case 2:12-md-02327 Document 7242-3 Filed 11/26/18 Page 74 of 86 PageID #: 185735

Case 2:14-md-02511 Document 184-10 Filed 11/26/18 Page 34 of 63 PageID #: 1256227. “The FCC exhaustively reviewed all of the facts and information provided by common benefit applicant firms, applied the principles and complied with the directives established in the Court's protocol, and relied upon its experience and familiarity with the litigation and with the facts, providing multiple opportunities to provide and receive input by common benefit applicant firms in writing and in person.”

228. “The FCC, through carrying out the process in the Protocol, allowed firms seeking payment for common benefit work to participate in the process of evaluation and provide additional information to the FCC including: (1) allowing firms to self audit their time prior to consideration by the FCC; (2) allowing firms to respond to the comments delivered as a result of the FCC's initial review; (3) allowing firms to appear for an in-person opportunity to be heard; (4) allowing firms to provide a written objection from the FCC's preliminary written recommendation; and (5) allowing firms to provide a written objection to the FCC's final written recommendation.”

“I declare under penalty of perjury that the foregoing is true and correct.” [Emphasis Added]

“Executed on November 9, 2018.”

“Henry G. Garrard III

Blasingame, Burch, Garrard & Ashley, P.C.

440 College Avenue

P.O. Box 832

Athens, Georgia 30603

706-354-4000 706-549-3545 fax hgarrard@bbga.com”

Henry Gilbert Garrard III, an officer of the court licensed by the State Bar of Georgia,

Perjured himself in a court of law. See below:

“The FCC, through carrying out the process in the Protocol, allowed firms seeking payment for common benefit work to participate in the process of evaluation and provide additional information to the FCC including:

(1) allowing firms to self audit their time prior to consideration by the FCC;
(2) allowing firms to respond to the comments delivered as a result of the FCC's initial review; THERE WAS NO INITIAL REVIEW OF KEETON'S SUBMISSIONS.

(3) allowing firms to appear for an in-person opportunity to be heard;
KEETON WAS NOT ALLOWED AN IN-PERSON OPPORTUNITY TO BE HEARD.

(4) allowing firms to provide a written objection from the FCC's preliminary written recommendation; and

THERE WAS NO FCC PRELIMINARY WRITTEN RECOMMENDATION OF KEETON'S SUBMISSION.

(5) allowing firms to provide a written objection to the FCC's final written recommendation.”

THERE WAS NO FCC FINAL WRITTEN RECOMMENDATION OF KEETON'S SUBMISSION.

This is in direct violation of Judge Goodwin's orders that the below appointees cannot allow others to substitute for them in fulfilling this role, including by any other FCC member.

1. Henry G. Garrard, III, Blasingame, Burch, Garrard & Ashley, PC
440 College Ave., Ste. 320, Athens, GA 30601
2. Joseph F. Rice, Motley Rice, LLC
28 Bridgeside Blvd., Mount Pleasant, SC 29464
3. Clayton A. Clark, Clark, Love & Hutson, GP
440 Louisiana St., Ste. 1600, Houston, TX 77002
4. Carl N. Frankovitch
Frankovitch, Anetakis, Colantonio & Simon
337 Penco Road, Weirton, WV 26062
5. Yvonne Flaherty, Lockridge Grindal Nauen
Suite 2200, 100 Washington Avenue, South Minneapolis, MN 55401
6. Thomas P. Cartmell, Wagstaff & Cartmell, LLP
4740 Grand Avenue, Suite 300, Kansas City, MO 64112

7. Renee Baggett, Aylstock Witkin Kreis & Overholtz
Suite 200, 17 East Main Street, Pensacola, FL 32502
8. Riley L. Burnett, Jr., Burnett Law Firm
55 Waugh Drive, Suite 803, Houston, TX 77007
9. William H. McKee, Jr., CPA
1804 Loudon Heights Road, Charleston, WV 25314

The Fifth Circuit explained that *a district court has inherent authority “to bring management power to bear upon massive and complex litigation to prevent [the litigation] from monopolizing the services of the court to the exclusion of other litigants.”*³³ **Therefore, an MDL court “may designate one attorney or set of attorneys to handle pre-trial activity on aspects of the case where the interests of all co-parties coincide.”**³⁴ Naturally, this authority would be “illusory if it is dependent upon lead counsel’s performing the duties desired of them for no additional compensation.”³⁵ **Assessment of those fees against other retained lawyers who benefitted from the work done was permissible and appropriate.**³⁶ Eldon E. Fallon, *Common Benefit Fees in Multidistrict Litigation*, 74 La. L. Rev. (2014) p. 377

As to harassment, I know what my rights are and I was oppressed, threatened, and intimidated in the free exercise or enjoyment of my right or privilege secured to me by the Constitution or laws of the United States, and because of my having so exercised the same.:

III. FALSE EVIDENCE

Henry Garrard III and Joseph R. Rice and Bryan Aylstock have for decades introduced False Evidence into the Federal Courts at will. Other attorneys know this but fear the power of Henry Garrard III and Joseph R. Rice and Bryan Aylstock to keep them off future Multidistrict Litigations Plaintiff Steering Committees, a well-founded fear. Their power is well documented by UGA law professor Elizabeth Chamblee Burch, in her “*Judging Multidistrict Litigation*” and “*Monopolies in Multidistrict Litigation*” which name these men as the Repeat Entrenched Players.

Through False Evidence Henry Garrard III, Joseph R. Rice and Bryan Aylstock have created the strawman prosecution requiring Surgical Removal of a permanently implanted medical device, synthetic polypropylene surgical mesh, for bladder suspension for Stress Urinary Incontinence and Pelvic Organ Prolapse repair. The Strawman "Surgical Removal" substantially benefits Plaintiff's Attorneys Steering Committee, Corporations and Defense Attorneys by allowing them to pay and/or to be paid through the IRS 468 (b) Qualified Settlement Fund.

Again HENRY GARRARD III subverted the process and committed fraud by omission against LANA C. KEETON in a Federal Court proceeding. On January 27, 2017 Henry G. Garrard III sent a letter of recusal to the Fee and Cost Committee, not to the Honorable Court. **Exhibit No. 1.** He did not recuse himself from the Fee and Cost Committee related to Lana Keeton.

Instead of recusing himself, Garrard suppressed, omitted, denied access, in every way possible to prevent Keeton from being considered for payment from the Common Benefit Fund(s) by the Fee and Cost Committee as ordered by the Honorable Court. In other words, Henry G. Garrard III committed willful fraud by omission, along with Joseph R. Rice, Judge Daniel J. Stack and David Montgomery.

Where, as here, a plaintiff's fraud claim relies on a theory of fraud by omission, the plaintiff must allege that the defendant had a duty to speak, and must show "when, where, how and what duty was created." *Breeden v. Richmond Cmty. College*, 171 F.R.D. 189, 196 (M.D.N.C. 1997).

ECF #34 Case No. 2:13cv24276 S.D.W.VA. Lana C. Keeton v. Ethicon specifically orders Lana C. Keeton to submit her T&E Invoice to the Fee and Cost Committee for

consideration. Despite multiple submissions and communications to, not from, the Fee and Cost Committee the Honorable Judge Joseph R. Goodwin's order was completely omitted from the process for submissions laid out in multiple Pre Trial Orders by Judge Goodwin.

The entire Fee and Cost Committee, in particular, Henry Garrard and Joe Rice, Judge Daniel J. Stack, external adviser to the FCC, David Montgomery, the personal attorney of Henry Garrard III and his law firm, Blasingame, Burch, Garrard & Ashley, subverted the process outlined in PTO 211. Henry Garrard III committed perjury on documents he, and only he, signed under the penalty of perjury. Pre Trial Order 211 was not adhered to in the case of Lana C. Keeton and her firm, Med Device Expert LLC.

IV. WILLFUL BLINDNESS

All members of the Fee and Cost Committee have engaged in "Willful blindness", a criminal state of mind, related to Lana C. Keeton's submissions of Time and Expense to be paid from the Common Benefit Funds since at least January 2017 in response to communications to Lana C. Keeton. Keeton has hundreds pages of documentation and evidence of this "Willful Blindness". At the request of the Honorable Court, it will be provided.

None of the members of the Fee and Cost Committee even signed the *Report*. Henry Garrard III signed for all other members of the Fee and Cost Committee. This despite Judge Joseph R. Goodwin's explicit order that each and every member was the sole individual assigned his/her responsibilities and duties as a Fee and Cost Committee member. PTO #211

In conclusion, there are no statements in this motion that are not verifiable and extensively documented. Any and all will be made available to the Court upon request.

Lana C. Keeton prays this Honorable Court will grant her objection to the Fee and Cost Committee (Non) Recommendation and to External Review Specialist Judge Daniel Stack (Non) Recommendation of allocation of Funds pursuant to Pretrial Order #332 for the reasons stated in this motion, including granting her personal attendance at the in camera review of documents presented by the Fee and Cost Committee and Judge Daniel J. Stack, External Review Specialist, for documents related to Keeton's submission, and an opportunity to be heard through the fair and honest due process of law. Lana Keeton must be paid from the Common Benefits Fund(s) for the thousands of hours in a decade of valuable work benefitting all Plaintiffs in these massive Multidistrict Litigations. Penalties are not the purpose of this motion. Any penalties for the obvious wrongdoing of Officers of the Court noted in this motion by the Honorable Court are appreciated.

Dated: March 26, 2019

Miami Beach, Florida 33139

Respectfully,



LANA C. KEETON

Plaintiff Pro Se

901 Pennsylvania Avenue, Suite 3-423

Miami Beach, FL 33139

305-342-8002 cell phone

305-671-9331 phone;

800-509-9917 fax

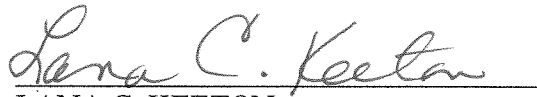
Lana@LanaKeeton.com

By: 

Lana C. Keeton, Plaintiff Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via Federal Express this 26th day of March 2019 on all counsel or parties of record by filing it with the Clerk of the Court.



LANA C. KEETON

Plaintiff Pro Se

901 Pennsylvania Avenue, Suite 3-423


Miami Beach, FL 33139

305-342-8002 cell phone

305-671-9331 phone;

800-509-9917 fax

Lana@LanaKeeton.com

By: 

Lana C. Keeton, Plaintiff Pro Se



BLASINGAME • BURCH • GARRARD & ASHLEY, P.C.
Attorneys at Law

W. SEABORN ASHLEY
1947-2001

J. RALPH BEAIRD
1925-2014

E. DAVISON BURCH
of counsel

LEANNA B. PITTARD
of counsel

GARY B. BLASINGAME

HENRY G. GARRARD III

ANDREW J. HILL III

THOMAS H. ROGERS JR.

MICHAEL A. MORRIS

JAMES B. MATTHEWS III

RICHARD W. SCHMIDT

GEORGE W. BROWN III

DAVID A. DISMUKE

MOLLY K. TALLEY

JOSH B. WAGES

THOMAS F.
HOLLINGSWORTH III

ALVIN L. BRIDGES

LEE S. ATKINSON

PATRICK H. GARRARD

SARA E. SCHRAMM

THOMAS J. JEFFORDS

HALEY C. ROBISON

P.O. Box 832
Athens, Georgia 30603
440 College Avenue, Suite 320
Athens, Georgia 30601
Phone 706.354.4000
Fax 706.353.0873

1040 Founder's Row, Suite B
Greensboro, Georgia 30642
Phone 706.463.7139
Fax 706.463.7842

PLEASE REPLY TO
ATHENS ADDRESS

Henry G. Garrard, III
E-mail address: hgg@bbgbalaw.com

January 27, 2017

VIA EMAIL AND FEDERAL EXPRESS

Ms. Lana C. Keeton
1602 Alton Road, #423
Miami Beach, FL 33139

Dear Ms. Keeton:

I have reflected on your recent e-mail addressed to me and which you copied to all the members of the Fee and Compensation Committee (FCC). Based upon your e-mail, there is the potential that I may be a fact witness in regard to some of your contentions. Consequently, I will not be involved in the discussions of the FCC regarding your claims you have submitted to the FCC.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'Henry G. Garrard, III'.

Henry G. Garrard, III

HGGIII/tdt

cc: Mr. Joseph Rice (via email)
Mr. Clayton Clark (via email)
Mr. Carl Frankovitch (via email)
Ms. Yvonne Flaherty (via email)
Mr. Thomas Cartmell (via email)
Ms. Renee Baggett (via email)
Mr. Riley Burnett (via email)
Mr. William McKee (via email)

EXH. #1

STATE OF GEORGIA

ATHENS-CLARKE COUNTY

EXH #2
p. 1 of 2

AFFIDAVIT

Personally appeared before me the undersigned an officer authorized to administer oaths,

Arica M. Waldron, who on oath states and deposes as follows:

1.

I am above the age of 18 years, give this affidavit on my own personal knowledge, and am competent to swear to the facts stated herein.

2.

I am employed in the accounting department of the law firm Blasingame, Burch, Garrard & Ashley.

3.

I have reviewed the records of the law firm relating to invoices received from Lana Keeton and payments made to her by the law firm.

4.

I have reviewed the records of the law firm relating to requests for reimbursement for fees and expenses submitted by the law firm to the Plaintiff's Steering Committee or the Fee and Compensation Committee of the transvaginal mesh multidistrict litigation in the United States District Court for the Southern District of West Virginia.

P. 2 of 2

5.

Based upon my review of the invoices submitted by Lana Keeton and paid by the law firm to her, I certify that none of the amounts invoiced by Lana Keeton and paid by the law firm have been reimbursed to the law firm by the PSC or the FCC. Further, I have reviewed all submissions that are required to be submitted to the FCC by September 29, 2017 and there are no submissions for reimbursement for invoices submitted to the law firm by Lana Keeton.

This 18 day of September, 2017.

Anica M. Walden

Sworn to and subscribed before me

this 18 day of September, 2017.

[Signature]
NOTARY PUBLIC

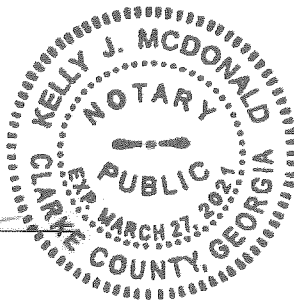


EXHIBIT NO. 4

**COMPLIANCE WITH ECF 34, JUDGE JOSEPH R. GOODWIN'S ORDER TO
SUBMIT INVOICE NO. 1 TO THE FEE AND COST COMMITTEE, JANUARY 12, 2017**

From: Lana Keeton [mailto:lanakeeton.com]

Sent: Thursday, January 12, 2017 9:25 PM

To: Henry G. Garrard, III; jrice@motleyrice.com; cclark@triallawfirm.com; carln@facslaw.com; ymflaherty@locklaw.com; 'tcartmell@wagstaffcartmell.com'; 'Bryan Aylstock'; 'RBaggett@awkolaw.com'; rburnett@rburnettlaw.com; bmckee@suddenlink.net

Cc: 'bwilliams@awkolaw.com'; 'mgoldwasser@wagstaffcartmell.com'; Tammy D. Tiller; Noah D. Murdock

Subject: DE#34 Order by Judge Joseph Goodwin Re: Lana C. Keeton First Common Benefits Fund Invoice - In Re: Ethicon Pelvic Repair Products MDL 02327

Dear Mesdames and Messieurs

Hope the New Year is bringing good things to all, particularly great success in 2017 in your endeavors to protect women through the massive litigation in West Virginia. Please find attached documents filed in West Virginia: Judge Joseph Goodwin's Order DE#34 on my Petition for Payment from the Common Benefits Fund DE#33, directing me to present it to you as a committee for approval:

"The FCC's responsibilities include making recommendations to the court for reimbursement of costs and apportionment of attorneys' fees for common benefit work and any other utilization of the funds." "Plaintiffs' Petition must first be submitted to the FCC for consideration and recommendation." DE#34

Pursuant to Judge Goodwin's Order I am now submitting it to you for consideration and recommendation to pay my Petition for Payment in full. You know me well and well know the significant value of my legal work over the last 10 years. My pioneering work has driven all the Transvaginal Mesh MDL's, in particular Ethicon/Johnson & Johnson. The subjective value of the work I performed as described as qualifications necessary to be paid in PTO No. 211 by Judge Goodwin is immense.

Two key issues in MDL 02327 for your consideration are the facts that the Plaintiff's Steering Committee had the wrong Defendants as Ethicon was leading them on a wild goose chase into Puerto Rico, when the correct location was in Neuchatel, Switzerland at Ethicon Sarl based on discovery produced to me in Case No. 1:06cv21116-UU Lana C. Keeton v. Gynecare Worldwide, Ethicon Inc and Johnson & Johnson. The second issue was the litigation hold placed by Ethicon because of my case in April 2006 which supported all the Plaintiff's in MDL 02327 in their efforts to receive massive amounts of discovery.

I have a tremendous amount of documentation for my legal work, not only the case itself which is on Pacer.gov in the Southern District of Florida, but literally thousands of e-mails between and among MDL Plaintiff Steering Committee attorneys as we worked together on MDL 02327 S.D. of W.VA. In Re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation from 2012 – 2016. Attached are a couple of them. Please advise any other info you

pg 1063

might need. Also, more will be provided when I submit the Invoice No. 2 to the Common Benefits Fee and Cost Committee.

I very much appreciate your consideration and approval of my First Common Benefit Fund Invoice. Have a great day!

Yours truly,
Lana C. Keeton
Med Device Expert LLC
Device Expert . Legal Consultant . Patient Advocate
1602 Alton Road, #423, Miami Beach, FL 33139

LanaKeeton@MedDeviceExpertLLC.com
www.MedDeviceExpertLLC.com
305-342-8002 cell phone 800-509-9917 fax

From: Lana Keeton Med Device [mailto:LanaKeeton@meddeviceexpertllc.com]
Sent: Friday, December 30, 2016 7:28 AM
To: 'hgg@bbgbalaw.com'; 'jrjce@motleyrice.com'; 'cclark@triallawfirm.com'; 'carln@facslaw.com'; 'ymflaherty@locklaw.com'; 'tcartmell@wagstaffcartmell.com'; 'Baylstock@awkolaw.com'; 'RBaggett@awkolaw.com'; 'rburnett@rburnettlaw.com'; 'bmckee@suddenlink.net'
Cc: 'bwilliams@awkolaw.com'; Noah D. Murdock; 'mgoldwasser@wagstaffcartmell.com'; 'tdt@bbgbalaw.com'
Subject: DE#33 filed today - Lana C. Keeton Notice of Service of First Common Benefits Fund Invoice - In Re: Ethicon Pelvic Repair Products MDL 02327

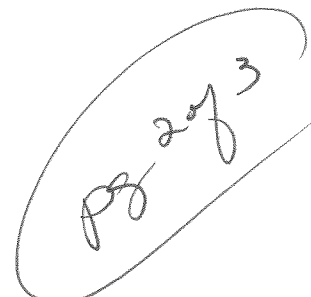
Dear Mesdames and Messieurs

Attached please find Notice of Service of First Common Benefits Fund Invoice and First Common Benefits Fund Invoice along with PTO 211 and PTO 237 from MDL 02327 by Litigant Lana C. Keeton which was filed December 29, 2016 in the S.D. of W.VA. I have done the work and I appreciate your approval of payment.

Respectfully,
Lana C. Keeton
Med Device Expert LLC
Device Expert . Legal Consultant . Patient Advocate
1602 Alton Road, #423, Miami Beach, FL 33139

LanaKeeton@MedDeviceExpertLLC.com
www.MedDeviceExpertLLC.com
305-342-8002 cell phone 800-509-9917 fax

To the Attention of:
Henry G. Garrard, III
Blasingame, Burch, Garrard & Ashley, PC



440 College Ave., Ste. 320
Athens, GA 30601

Joseph F. Rice Motley Rice, LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464

Clayton A. Clark
Clark, Love & Hutson, GP
440 Louisiana St., Ste. 1600
Houston, TX 77002

Carl N. Frankovitch
Frankovitch, Anetakis, Colantonio & Simon
337 Penco Road
Weirton, WV 26062

Yvonne Flaherty
Lockridge Grindal Nauen
Suite 2200, 100 Washington Avenue
South Minneapolis, MN 55401

Thomas P. Cartmell
Wagstaff & Cartmell, LLP
4740 Grand Avenue, Suite 300
Kansas City, MO 64112

Bryan Aylstock
Renee Baggett
Aylstock Witkin Kreis & Overholtz
Suite 200, 17 East Main Street
Pensacola, FL 32502

Riley L. Burnett, Jr.
Burnett Law Firm
55 Waugh Drive, Suite 803
Houston, TX 77007

William H. McKee, Jr.
1804 Loudon Heights Road
Charleston, WV 25314

ps 3 of 3

EXHIBIT NO. 6
JUDGE DANIEL STACK E-MAIL COMMUNICATION
04-24-2018 to 06-16-2018

From: Lana Keeton Med Device [mailto:LanaKeeton@meddeviceexpertllc.com]
Sent: Monday, June 18, 2018 4:16 PM
To: djstack@me.com
Cc: 'lanakeeton meddeviceexpertllc.com'
Subject: Re: Your official position as to status of my T&E submission to Common Benefits Fund available to me from the C.R. Bard MDL02187 re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee

Dear Judge Daniel J. Stack,

A few things:

1. You originally wrote to me March 29, 2018 at the behest of Joe Rice. I did not make the initial contact with you. You now state I am harassing you which is ludicrous.
2. As to harassment, I know what my rights are and I feel oppressed, threatened, and intimidated in the free exercise or enjoyment of my right or privilege secured to me by the Constitution or laws of the United States, and because of my having so exercised the same.
3. "Your claims are frivolous and deserve not one iota of further consideration nor communication." That is not the position of Judge Goodwin.
4. DE#4663 (attached) sets out your responsibilities by Judge Goodwin. Please advise when will you be submitting your written recommendation related to my submission of T&E for C.R. Bard MDL02187 to Judge Joseph Goodwin as set forth in DE#4663 appointing you as the External Review Adviser.
5. In a letter to me, you stated you were at a meeting where Henry Garrard recused himself. There was no meeting. If there was a meeting, you would provide the date, time, place and FCC members attending.
6. Following your letter to me of "the meeting" with Henry Garrard, multiple times you stated you were waiting for documents from Mr. Rice. Yet, your determination is devoid of facts directly related to me, including case number, Judge Goodwin's orders directly related to me, my T&E submission for C.R. Bard MDL 02187, etc.
7. Based on the attached documents related to your appointment by Judge Goodwin,
"After receipt of the final time and expense submission and the Affidavit, the FCC will provide every Firm with notice and an opportunity to be heard regarding the Firm's entitlement to common benefit fees." See
attached document: Case 2:10-md-02187 Document 4020 Filed 06/23/17
Page 9 of 11
PageID #: 33748

This did not happen, nor the other normal parameters set out by Judge Goodwin for fee consideration by the Fee and Cost Committee.

8. It is my opinion, the FCC process set out in Judge Goodwin's orders has been subverted by Henry Garrard III, Joe Rice, David Montgomery and yourself. Please see attached De#4020 with comments highlighted in yellow.

page 1 of 9

I am truly sorry for this communication. I am just exercising my rights under the Constitution.

Yours truly,

Lana C. Keeton

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www.LanaKeeton.com

www.MedDeviceExpertLLC.com

www.TruthinMedicine.us.com

From: Daniel Stack [mailto:djstack@me.com]

Sent: Friday, June 15, 2018 3:16 PM

To: Lana Keeton Med Device

Cc: djones@drjpa.com

Subject: Re: Still No Reply from you Re: Your official position as to status of my T&E submission to Common Benefits Fund available to me from the C.R. Bard MDL02187 re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee

Dear Ms. Keeton:

I believe that I had told you that this is not my only case and that I have not only been extremely over worked but also that I had to have several medical tests and procedures. But I guess that my other work and my health issues are less important than your issues.

That said, I also needed to look into the complete background of your claims and the history of it. As I also mentioned to you, I was appointed by the Honorable Joseph R. Goodwin as an Advisor to the Fee and Cost Committee. Now that I have had the opportunity to complete all of that background and history I am now ready to advise you of my reply to your claims.

I have determined and have advised the FCC that you cannot receive any payments from the Common Benefit Fund. You are not a licensed attorney in any jurisdiction and payments from the CBF may **ONLY** be made to licensed attorneys. Payment to you would be indicative of the **unauthorized practice of law** for which you could be prosecuted.

One of the reasons that I replied more quickly to Mr. Balefsky is that not only is he a licensed attorney who is a member of the law firm of Kline & Specter, but he filed documents with the Court that demanded immediate response. I am sorry, Ms. Keeton. I am aware of all of your credentials but none of them contain a **Juris Doctor degree** nor a **license to practice law**.

I now ask you to conduct yourself like the *professional* for which you demand professional treatment. Your claims are frivolous and deserve not one iota of further

Page 2 of 9

consideration nor communication. Please cease your harassing communications to me and to any other member of the Fee and Cost Committee of the Transvaginal Mesh MDLs.

Thank you in advance for your acceptance of this determination!

to the FCC

Hon. Daniel J. Stack (Ret)
Court Appointed Advisor

Transvaginal Mesh MDLS

Sent from my iPad

On Jun 7, 2018, at 4:42 PM, Lana Keeton Med Device
<LanaKeeton@meddeviceexpertllc.com> wrote:

Dear Judge Stack,

Just so you know, I am a skilled, very intelligent litigator who has developed trial strategy for several bellwether trials in the West Virginia mesh litigation. I was a steel broker for over 30 years, buying and selling steel coils. I am a legal consultant, a patient advocate and a medical device expert. My position in the mesh MDL's predates any and all of the plaintiff's attorneys. My work was critical to the creation of the 7 MDL's in West Virginia. But based on our communications, it seems you underestimate my legal work, my intelligence, and the fact that I am to be paid from the Common Benefits Funds. Even Judge Goodwin recognizes that and has issued orders specifically related to me.

I am very distressed that you so quickly and easily wrote a letter to Lee Balefsky at Kline Specter on March 5th in response to his letter to Henry Garrard on February 27, 2018 but have not responded to me. I find it unprofessional on the part of the FCC not to answer me. They have responsibilities based on PTO 211 issued by Judge Goodwin. And based on your initial responses to me, you also have been ordered by Judge Goodwin to work with the FCC. Again, I have not seen the order stating your position with the FCC and have not found it on pacer.gov.

Your delayed response seems like an avoidance technique to me. April 24th, you told me was to be the middle of May. May 7th, you said you were still waiting for materials from Joe Rice. Today is June 7, 2018 one month later and I still have no response from you. May 22nd, you ask for my understanding and consideration, which I have given you but it seems at this point in time, this is nothing more than a game.

I would appreciate receiving the professional respect I have earned. Please advise.

Lana C. Keeton

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page 3 of 9

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www.MedDeviceExpertLLC.com
www.TruthinMedicine.us.com

From: lanakeeton [meddeviceexpertllc.com](mailto:lanakeeton@meddeviceexpertllc.com) [mailto:lanakeeton@meddeviceexpertllc.com]
Sent: Tuesday, May 22, 2018 2:58 PM
To: Daniel Stack
Cc: lanakeeton [meddeviceexpertllc.com](mailto:lanakeeton@meddeviceexpertllc.com); lanakeeton@gmail.com
Subject: Re: Still No Reply from you Re: Your official position as to status of my T&E submission to Common Benefits Fund available to me from the C.R. Bard MDL02187 re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee

Thanks for your reply Judge Stack. As to 67, I will see you and raise you 4. I will be 71 in a couple of weeks. It's not easy, I well know.

All that said, if you just send me the order when Judge Goodwin appointed you (I have not found it on Pacer) and give me the date, time, place of the meeting when Henry recused himself and the FCC considered my T&E submission for C.R. Bard MDL02187, most likely I will be able to lighten your plate.

Hope your health straightens out, sooner not later. Best, Lana Keeton

On May 22, 2018 at 12:12 PM Daniel Stack <djstack@me.com> wrote:

Dear Ms. Keeton this will be a short reply.

I am very sorry but I have many irons in the fire and am at meetings in other matters in Chicago in addition to some minor health issues that are requiring time and appointments and testing. I know that this is the most important matter on your plate but I have extremely limited time to deal with it.

Please try to be patient with me as I have a lot of travel and several other matters that are demanding my full attention and I am not always able to e-mail you at just anytime. In addition, when I do get a break (I am 67 years old) I do need to take the break.

Thank you for your understanding and consideration.
Judge Stack

Sent from my iPad

Page 4 of 9

On May 22, 2018, at 9:06 AM, Lana Keeton Med Device <LanaKeeton@meddeviceexpertllc.com> wrote:

Dear Judge Stack,

Good morning. I have not heard from you.

If you are the one making the decision regarding my T&E submission, as you have stated more than once, please reply. I realize Henry G. Garrard III put you in a compromising situation. Your only responsibility is to consider my T&E submission for C.R. Bard MDL 02187 once it has been reviewed by the FCC. My opinion is it is not your responsibility to cover or vouch for Henry's actions, especially when you do not even know the reason he recused himself.

Will you please answer me? Thanks so much!

Yours truly,

Lana C. Keeton

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www.LanaKeeton.com
www.MedDeviceExpertLLC.com
www.TruthinMedicine.us.com

From: Lana Keeton Med Device [<mailto:LanaKeeton@meddeviceexpertllc.com>]

Sent: Friday, May 18, 2018 10:24 AM

To: djstack@me.com

Cc: Lana Keeton; lanakeeton@meddeviceexpertllc.com

Subject: RE: Your official position as to status of my T&E submission to Common Benefits Fund available to me from the C.R. Bard MDL02187 re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee rejecting T&E submission

Dear Judge Stack,

As I have received no reply, I will be contacting the entire Fee and Cost Committee with a request for disposition. Thank you so much for your time and attention to this matter. Have a nice day.

page 5 of 9

Yours truly,

Lana C. Keeton

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www.LanaKeeton.com

www.MedDeviceExpertLLC.com

www.TruthinMedicine.us.com

From: Lana Keeton Med Device [mailto:LanaKeeton@meddeviceexpertllc.com]

Sent: Tuesday, May 15, 2018 3:31 PM

To: djstack@me.com

Cc: Lana Keeton; 'lanakeeton@meddeviceexpertllc.com'

Subject: Your official position as to status of my T&E submission to Common Benefits Fund available to me from the C.R. Bard MDL02187 re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee rejecting T&E submission

Dear Judge Stack,

Hope this email finds you well. Will you Please advise your receipt of the documents from Joe Rice? Also your official position as to the status of payment of my T&E submission for Common Benefits due me from C.R. Bard MDL02187 please. I have all the documentation you need but it will only be official if it comes through the normal process of the Fee and Cost Committee.

I waited as you asked me and I would really appreciate an answer today. Hope your son's wedding was a success!

Respectfully,

Lana C. Keeton

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From: Lana Keeton Med Device [mailto:LanaKeeton@meddeviceexpertllc.com]

Sent: Monday, May 7, 2018 5:08 PM

To: 'Daniel Stack'

Cc: 'Lana Keeton'

Subject: RE: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee rejecting T&E submission

Dear Judge Stack,

I want to be considered just like Kline Specter was in the attached letters from yourself and Henry so I will be able to proceed before Judge Goodwin. A no is better than no answer at all. Please give my T&E submission for C.R. Bard MDL02187 the same careful consideration as all other firms submissions are receiving that are before the Fee and Cost Committee. Please provide me with an appropriate response. That is what justice is all about. I really appreciate it.

All the best,

Lana C. Keeton

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From: Daniel Stack [mailto:djstack@me.com]

Sent: Monday, May 7, 2018 4:51 PM

To: Lana Keeton Med Device

Cc: Lana Keeton

Subject: Re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee rejecting T&E submission

Good afternoon, Ms. Keeton.

I am still awaiting some of the materials. That said, however, I am not certain how much difference it will make. As I told you in an earlier e-mail, I cannot think of any way for you to be awarded anything from the Common Benefit Fund as **there is no order from the court which includes any expert witnesses as persons who can receive a share of those funds.** They are "Attorneys Fees" and the Canons of Ethics prohibit "fee sharing" by lawyers with "non-lawyers".

I am aware that you consider yourself to be qualified because you have appeared "pro se" but hundreds of thousands of citizens who are "Non-Lawyers" appear in courts such as Small

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Claims and in Traffic Court et cetera and that does not confer upon them a license to practice law nor does it somehow magically alter their status such that they are suddenly "Attorneys at Law" who are eligible to apply for and possibly receive "Common Benefit Fees in Multi-District Litigation.

I will still review all of the e-mails and attachments as soon as I receive them from Mr. Rice, but I cannot imagine anyway for you to be considered as an appropriate participant in the Fund.

As to your request for me to meet you in Coral Gables that is not going to be possible. I offered to meet with you at the Atlanta (Hartsfield-Jackson) Airport but that is as far as I can go. And, even that seems to me to be a waste of time for both of us.

Sincerely,

Daniel J. (Judge)

Stack Sent from my iPad

On May 7, 2018, at 4:35 PM, Lana Keeton Med Device
<LanaKeeton@meddeviceexpertllc.com> wrote:

Dear Judge Stack,

I am checking on your progress. Please contact me directly as Mr. Jones has an extremely busy schedule now. I am handling this on my own for the moment until his schedule is free. If you do decide to travel to Miami to meet with me as you suggested some time ago, Mr. Jones will certainly meet with us in his office so as we do not meet alone. Has the Fee and Cost Committee provided you with all the necessary documents to make a decision on my T&E for C.R. Bard MDL 02187? If not, please let me know what you need.

Thank you,

Lana C. Keeton

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From: Daniel Stack [mailto:djstack@me.com]

Sent: Tuesday, April 24, 2018 2:35 PM

To: Lana Keeton

Cc: lanakeeton meddeviceexpertllc.com; Donald R. Jones, P.A.

Subject: Re: Lee Balefsky, Henry Garrard & Judge Stack re: Kline Specter objection to FCC committee rejecting T&E submission

Good afternoon Ms. Keeton.

I am still in the process of gathering all of the information/history of your submissions/claims. This is going to require some time as this is not the only matter on my plate.

Please be patient until around the middle of the Month of May as I also have some personal time off for my Son's wedding. Thank you. Dan (Judge Stack)

Sent from my iPad

On Apr 24, 2018, at 8:30 AM, Lana Keeton <lanakeeton@gmail.com> wrote:

Dear Judge Stack,

Attached are 2 letters to Mr. Lee Balefsky re: following the process governing the FCC, one from you and one from Mr. Henry Garrard. Is this not the formal process also governing my submission of T&E for C.R. Bard MDL 02187 to be paid from the Common Benefit Funds?

Thank you,

Lana C. Keeton

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<5253-5 KLINE SPECTER.pdf>

<5253-3 KLINE SPECTER.pdf>

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EXHIBIT NO. 6

**JOE RICE, FCC MEMBER & EXTERNAL REVIEW ADVISER JUDGE DANIEL
STACK E-MAIL COMMUNICATION 03-29-2018 to 04-11-2018**

From: Daniel Stack [mailto:djstack@me.com]
Sent: Wednesday, April 11, 2018 11:40 AM
To: Lana Keeton Med Device
Cc: Lana Keeton
Subject: Re: Hello again... Did you receive my email from yesterday?.. RE: Good morning....Did you receive this? re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service ECF NO. 36

First of all, Chairman Henry Garrard advised myself and the FCC that he would have to "Recuse" himself from any consideration of your claims. Secondly, as I have advised you repeatedly, the FCC has no authority to consider your claims.

On Apr 11, 2018, at 10:35 AM, Lana Keeton Med Device
<LanaKeeton@meddeviceexpertllc.com> wrote:

Dear Judge Stack, Why are you considering my T&E submission for C.R. Bard MDL 01287 alone? Why is the FCC committee not involved? Thank you, Lana C. Keeton 305-342-8002

From: Daniel Stack [mailto:djstack@me.com]
Sent: Tuesday, April 10, 2018 12:17 PM
To: Lana Keeton Med Device
Subject: Re: Hello again... Did you receive my email from yesterday?.. RE: Good morning....Did you receive this? re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36

Ms. Keeton, I am extremely busy and I am handling your "claim" without any help from the FCC or Chairman Henry Garrard. I have meetings in Washington, D.C. on the 16th & 17th of April and it is my belief that those are the date to which you were referring in spite of the fact that you wrote "March".

Sent from my iPad

On Apr 4, 2018, at 5:50 PM, Lana Keeton Med Device
<LanaKeeton@meddeviceexpertllc.com> wrote:

Hello Judge Stack,

I was just checking to make sure you received this. I spoke to my attorney about him meeting with us in his office in Coral Gables (just south of downtown Miami) and he said he is available the afternoons of March 16th and 17th. Does one of those work for you? Please let me know so I will be able to let him know.

Yours truly,
Lana C. Keeton

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From: Lana Keeton Med Device [<mailto:LanaKeeton@meddeviceexpertllc.com>]

Sent: Tuesday, April 3, 2018 11:46 AM

To: 'Daniel Stack'

Cc: 'Lana Keeton'

Subject: RE: Good morning....Did you receive this? re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36

Dear Judge Stack,

Thanks for your reply and the offer of a meeting. Is it not best just to meet with the FCC at one of their meetings as that is the purpose, that my T&E submission be considered and paid? Or is there a different reason for a meeting?

All that said, since you are speaking next week at MTMP, how about the following week of April 16th? I would much appreciate it if you will come to Miami to meet with me. I have neck and back injuries which make air travel painful. So if you don't mind, and since you will already be traveling, will you please come here? We will be able to meet at my attorney's office so as to be completely above board and not meet alone just the two of us. I look forward to meeting you.

Best, Lana Keeton 305-342-8002

From: Daniel Stack [<mailto:djstack@me.com>]

Sent: Monday, April 2, 2018 4:16 PM

To: Lana Keeton Med Device

Cc: Lana Keeton

Subject: Re: Good morning....Did you receive this? re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36

Dear Ms. Keeton,

It might help if we could arrange a brief meeting. It is my understanding that you reside in Miami, FL and I reside near St. Louis, MO. Could you possibly meet me somewhere in the middle like Atlanta one day. I believe that your belief that appearing *pro se* in a court of law confers upon one a "license to practice law" is mistaken if not misguided. Also, *Quantum Meruit* for "unjust enrichment" is only available, as you cited, if you did not have a contractual relationship with anyone regarding any assistance that you gave in these cases.

Page 2 of 11

If you had even an oral contract and were paid for your services then anything more that you are attempting to claim would be subsumed by that contract and therefore *quantum meruit* would not be available as you would have a remedy at law to enforce your contract if you were not paid the agreed fees for your services. And, in answer to your question, it is my premise that you are not an attorney at law and you cannot, therefore be a recipient of Common Benefit Funds.

But I still think that it might be helpful if you can meet with me in Atlanta within the next month. Please advise if that would be possible and some dates that you might be available for such a meeting.

Dan (Judge Stack)

On Apr 2, 2018, at 3:42 PM, Lana Keeton Med Device
<LanaKeeton@meddeviceexpertllc.com> wrote:

Dear Judge Stack,

Yes, I represented myself Pro Se 3 different times in Federal District Courts, including the West Virginia Ethicon MDL 02327. I did not read any of this in any of Judge Goodwin's PTO's governing the FCC. In fact, there are exceptions made. And I am sure there is case law that governs it. Perhaps one of these:

"To recover under quantum meruit one must show that the recipient: 1) acquiesced in the provision of services; 2) was aware that the provider expected to be compensated; and 3) was unjustly enriched thereby. *Hermanowski v. Naranja Lakes Condominium No. Five, Inc.*, 421 So. 2d 558 (Fla. 3d DCA 1982), *rev. denied*, 430 So. 2d 451 (Fla. 1983).

While quantum meruit arises out of the expectation of the parties, unjust enrichment is based upon society's interest in preventing the injustice of a person's retaining a benefit for which no payment has been made to the provider.

To recover under an unjust enrichment theory, the following elements must be proven: 1) lack of an adequate remedy at law; 2) a benefit conferred upon the defendant by the plaintiff coupled with the defendant's appreciation of the benefit (*i.e.*, an "enrichment"); and 3) acceptance and retention of the benefit under circumstances that make it inequitable for him or her to do so without paying the value of it (*i.e.*, an "injustice"). *Challenge Air Transport, Inc. v. Transportes Aereos Nacionales, S.A.*, 520 So. 2d 323 (Fla. 3d DCA 1988). Each of these elements can present knotty problems for the unwary.

<https://www.floridabar.org/news/tfb-journal/?durl=%2FDIVCOM%2FJN%2FJNJournal01.nsf%2F0%2F7e3d8e3a6c36217485256adb005d6116>

At any rate, that is for another day. So you did not review the T&E? And you never saw it? Your entire premise is that I am not a licensed attorney? Correct?

Thank you, Lana Keeton

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From: Daniel Stack [<mailto:djstack@me.com>]

Sent: Monday, April 2, 2018 2:56 PM

To: Lana Keeton Med Device

Cc: Lana Keeton

Subject: Re: Good morning....Did you receive this? re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36

It does **not** matter who directed you or that you worked with the co-leads. Unless you are a licensed attorney who had cases of your own you cannot receive any money from the Common Benefit Fund! It's as simple as that. Do you have a license to practice law and do you have any clients that you **represent** in any court?

If not, the you cannot get any Fees from the Fund! Your work might have been directed by Co-leads and it might have been very helpful but it is **not compensable** from that fund. Sorry.

On Apr 2, 2018, at 10:13 AM, Lana Keeton Med Device

[<LanaKeeton@meddeviceexpertllc.com>](mailto:LanaKeeton@meddeviceexpertllc.com) wrote:

Good morning Judge Stack,

I was just checking to see if you got this e-mail. I did not receive a written response from you about your review of my T&E submission. Or from the FCC. Did you not receive it from Henry? I submitted it to Smith, Cochran, Hicks.

All the best, Lana Keeton

From: Lana Keeton Med Device [<mailto:LanaKeeton@meddeviceexpertllc.com>]

Sent: Friday, March 30, 2018 1:20 PM

To: 'djstack@me.com'

Cc: Lana Keeton

Subject: RE: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

Dear Judge Stack,

Thanks for your response. It is nice to know you. As a pro se plaintiff, a legal consultant, a medical device expert, a patient advocate, at the FDA and in Congress, I have been critically involved in the creation of the various mesh multidistrict litigations in West Virginia starting as far back as 2007 with Henry Garrard III. I haven't known him as long as you have back in the 80's with the asbestos litigation in Monroe County Illinois when he was lead defense attorney for Pittsburgh Corning, but I know him quite well.

Joe Rice, I really don't know as he has not been actively involved in the current transvaginal mesh litigation. Mostly it has been his partner, Fred Thompson, as one of the co-lead counsel that I am aware of.

That being said, when you reviewed my T&E submission to the FCC you received from Henry, maybe you did not see from the document that my legal work with the MDL's has been for, at

page 4 of 11

the direction of and with co-lead counsels and the plaintiff's steering committee for the benefit of all plaintiffs (over 104,000) in the various MDL's in West Virginia.

Again, it is nice to make your acquaintance.

Yours truly,

Lana C. Keeton

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From: Daniel Stack [<mailto:djstack@me.com>]

Sent: Thursday, March 29, 2018 3:23 PM

To: Rice, Joe

Cc: Lana Keeton Med Device

Subject: Re: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

Dear Ms. Keeton:

I am Dan Stack, a retired Illinois Judge who was appointed by Hon. Joseph Goodwin to assist the FCC in all of the Transvaginal Mesh MDLs. I have experience at this work as I have been a Special Master to other U.S. District Judges in other similar cases.

In these cases and in similar mass action cases, the Court can and normally does order that a small percentage of each case settlement be withheld by that defendant to create a Common Benefit Fund. It is for the sole purpose of compensating the attorneys who actually did the trial work and those attorneys that helped them to be paid for their time and expenses because all of the others, who simply signed-up cases and did not work, "benefit" from **their** work.

I am sorry to tell you that there has never been nor is there in these cases any provision nor any law or court order authorizing using **any** of those funds to be paid to a witness, an expert or any other person who might have participated somehow in the proceedings. Witnesses and Expert Witnesses get paid their fees but have **no interest nor any valid claim on the Common Benefit Funds!**

page 5 of 11

So your inquiries are meaningless to this Committee and you have absolutely no valid claim to any of the Common Benefit Funds. This committee has absolutely no authority to pay any of these funds to you and you cannot file a claim on them. That said, you should consult with your own attorney as I do not represent you and cannot represent you.

Thank you for understanding that there is nothing that this committee can do and that it cannot even consider any claim that you might believe you have.

Respectfully,

Daniel J.

Special

(Judge) Stack

External Adviser to the FC C

Sent from my iPad

On Mar 29, 2018, at 3:26 PM, Rice, Joe <jrice@motleyrice.com> wrote:

You should just contact the Special Master. The FCC is not doing anything with anyone except Attorneys.

Joseph Rice | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464
o. 843.216.9159 | f. 843.216.9290 | jrice@motleyrice.com

From: Lana Keeton Med Device [<mailto:LanaKeeton@meddeviceexpertllc.com>]

Sent: Thursday, March 29, 2018 3:24 PM

To: Rice, Joe <jrice@motleyrice.com>

Cc: 'Lana Keeton' <lanakeeton@gmail.com>

Subject: QUESTION?... RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

Thanks for the response, Joe.

So the entire FCC committee made that decision at the last FCC meeting when they reviewed my Common Benefits Fund T&E submission? Or is that just from you? When will I receive the written notification of this decision? I appreciate your time.

Please note I have a new address: 901 Pennsylvania Avenue, Suite 3-423, Miami Beach, FL 33139

Thanks,

Lana C. Keeton

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From: Rice, Joe [<mailto:jrice@motleyrice.com>]
Sent: Thursday, March 29, 2018 1:33 PM
To: Lana Keeton Med Device; djstack@me.com
Cc: Lana Keeton
Subject: RE: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

The Fee Committee was appointed to address the common benefit time and expenses for ATTORNEYS. There is no other jurisdiction. We will only be meeting with attorneys. The court also appointed Judge Stack as the Special Master should you have any further questions.

Joseph Rice | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464
o. 843.216.9159 | f. 843.216.9290 | jrice@motleyrice.com

From: Lana Keeton Med Device [<mailto:LanaKeeton@meddeviceexpertllc.com>]
Sent: Thursday, March 29, 2018 12:48 PM
To: Rice, Joe <jrice@motleyrice.com>
Cc: Lana Keeton <lanakeeton@gmail.com>
Subject: EXTERNAL-Re: PLEASE RESPOND....RE: Notice of Service - ECF NO. 36 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

Good morning Joe,

I am just touching base to see when and where the next meeting is for the FCC so I will be able to attend re: my submission to Common Benefits Billing.

Thanks,

Lana C. Keeton

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From: Rice, Joe [<mailto:jrice@motleyrice.com>]

Sent: Wednesday, March 29, 2017 8:54 AM

To: Lana

Keeton; rbaggett@awkolaw.com; rburnett@rburnettlaw.com; ymflaherty@locklaw.com; carln@facslaw.com; Cartmell, Tom; cclark@triallawfirm.com; bmckee@suddenlink.net; 'Bryan Aylstock'

Subject: RE: PLEASE RESPOND....RE: NOTICE OF SERVICE - ECF NO. 36 ORDER ON PETITION FOR SPECIAL MASTER FOR COMMON BENEFITS FUND DENIED 03-21-2017 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

The Committee is in the process of establishing a procedure and protocol for attorneys to submit additional information to support the time they submitted under the court's prior orders. However, we all recognize this litigation is not over and the primary focus of the attorneys is to resolve the clients' claims. When that is substantially done or the MDL is substantially conclude by the court will trigger fee considerations. There will be notice provide both directly to all firms and on the court website. Until then there are no fee request being processed. If that changes all will be given notice of the timing and procedure. I am just one member of the committee and others may wish to respond to your question.

Joseph Rice | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464 | jrice@motleyrice.com
o. 843.216.9159 | c. 843.830.0710 | f. 843.216.9290

From: Lana Keeton [<mailto:lane@lanakeeton.com>]

Sent: Wednesday, March 29, 2017 6:33 AM

To: rbaggett@awkolaw.com; rburnett@rburnettlaw.com; ymflaherty@locklaw.com; carln@facslaw.com; Rice, Joe <jrice@motleyrice.com>; Cartmell, Tom <tcartmell@wcllp.com>; cclark@triallawfirm.com; bmckee@suddenlink.net; 'Bryan Aylstock' <BAylstock@awkolaw.com>

Subject: PLEASE RESPOND....RE: NOTICE OF SERVICE - ECF NO. 36 ORDER ON PETITION FOR SPECIAL MASTER FOR COMMON BENEFITS FUND DENIED 03-21-2017 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

March 29, 2017 Dear FCC Committee, Please respond. Thank you, Lana Keeton

From: Lana Keeton [<mailto:lane@lanakeeton.com>]

Sent: Monday, March 27, 2017 10:05 AM

To: 'rbaggett@awkolaw.com'; rburnett@rburnettlaw.com; Cartmell, Tom (tcartmell@wcllp.com); jrice@motleyrice.com; cclark@triallawfirm.com; bmckee@suddenlink.net; ymflaherty@locklaw.com; carln@facslaw.com

Subject: NOTICE OF SERVICE - ECF NO. 36 ORDER ON PETITION FOR SPECIAL MASTER FOR COMMON BENEFITS FUND DENIED 03-21-2017 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

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March 27, 2017

Dear FCC Committee,

Judge Goodwin denied *ECF No. 35 Lana C. Keeton Petition for Special Master for Common Benefits Fund Invoices* on 03-21-2017. Please see attached *Order ECF No. 36*. Please advise status of *Lana C. Keeton Commom Bemefits Fund Invoices* currently submitted to the Committee. Thank you.

Yours truly,

Lana C. Keeton

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From: Lana Keeton [<mailto:lane@lanakeeton.com>]

Sent: Thursday, March 16, 2017 4:59 PM

To: rburnett@burnettlaw.com; rbaaggett@awkolaw.com; Cartmell, Tom (tcartmell@wcllp.com); jrice@motleyrice.com; cclark@triallawfirm.com; bmckee@suddenlink.net; Henry G. Garrard, III; ymflaherty@locklaw.com; carln@facslaw.com

Subject: NOTICE OF SERVICE - ECF NO. 35 LANA C. KEETON PETITION FOR SPECIAL MASTER FOR COMMON BENEFIT FUND 03-15-2017 - Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

March 16, 2017

Dear Mesdames and Messieurs,

Attached please find *ECF No. 35 LANA C. KEETON PETITION FOR SPECIAL MASTER FOR COMMON BENEFIT FUND 03-16-2017*.

Yours truly,

Lana C. Keeton

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From: vvsd_cmecf@vvsd.uscourts.gov [mailto:vvsd_cmecf@vvsd.uscourts.gov]
Sent: Thursday, March 16, 2017 3:12 PM
To: Courtmail@vvsd.uscourts.gov
Subject: Activity in Case 2:13-cv-24276 Keeton v. Ethicon, Inc. et al Motion / Application / Petition for Miscellaneous Relief

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United States District Court
Southern District of West Virginia

Notice of Electronic Filing

The following transaction was entered on 3/16/2017 at 3:11 PM EDT and filed on 3/16/2017

Case Name: Keeton v. Ethicon, Inc. et al

Case Number: 2:13-cv-24276

Filer: Lana C. Keeton

WARNING: CASE CLOSED on 09/24/2014

Document Number: 35

Docket Text:

PETITION by Lana C. Keeton to Appoint Special Master Honorable Jackie Glass (Ret) for Consideration and Payment from the Common Benefits Fund "First Common Benefits Fund Invoice" (& All Subsequent Invoices) re: [33] MOTION by Lana C. Keeton to be Paid from the Common Benefits Fund, First Common Benefits Fund Invoice, December 28, 2016 (Attachment: # (1) Attachment) (skh)

2:13-cv-24276 Notice has been electronically mailed to:

Christy D.

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.com, vwolfe@tcspllc.com

Lana C. Keeton Lana@LanaKeeton.com

2:13-cv-24276 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060112543 [Date=3/16/2017] [FileNumber=6737910-0]
] [89bc36d6659665ed82261af686e8359653477fe879a0b9dcc38ed29291de9057ba0
6866b1116fa4784cd0e64fb5a3fdeeff5436a5e1bd1a3459441b6c99220cc]]

Document description: Attachment

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060112543 [Date=3/16/2017] [FileNumber=6737910-1]
] [4914274f831daddecc2fd0df17035e8b11956d52c9a497ddc45c5baa669f786113b
6499418f91dd7050c2a1203193661f2f8eadadd0c5dac24861ca78a592248]]

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